



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

US 12827.80.19

New England

Historic Genealogical Society

.80.19



HARVARD
COLLEGE
LIBRARY

copy

Historical

NEW ENGLAND


HISTORIC GENEALOGICAL SOCIETY.

PROCEEDINGS

ON THE TWENTY-FIFTH DAY OF OCTOBER, 1880.

1881 Feb 7

From the
NEW-ENGLAND HISTORIC, GENEALOGICAL SOCIETY,
18 Somerset Street, Boston, Mass.

 *Please acknowledge receipt.*



OLD STATE HOUSE, ERECTED 1748.

IN THIS BUILDING THE GOVERNMENT OF MASSACHUSETTS WAS ORGANIZED
UNDER THE CONSTITUTION ON THE TWENTY-FIFTH
DAY OF OCTOBER, 1780.

NEW ENGLAND
HISTORIC GENEALOGICAL SOCIETY.

PROCEEDINGS

ON THE TWENTY-FIFTH DAY OF OCTOBER, 1880,

COMMEMORATIVE OF THE ORGANIZATION OF THE GOVERNMENT OF
MASSACHUSETTS UNDER THE CONSTITUTION ON THE TWENTY-
FIFTH DAY OF OCTOBER, 1780, TOGETHER WITH THE
PROCEEDINGS AT THE STATE HOUSE AND AT
THE CITY HALL ON THE SAME DAY.



BOSTON:
THE SOCIETY'S HOUSE, 18 SOMERSET STREET.
M. DCCC. LXXX.

1881, Dec. 18.

(at)

at the ...

...

~~10352.29~~

~~US 12827.19~~

US 12827.80.19

PROCEEDINGS.

At the regular monthly meeting of the Society on the 6th of October, the subject of commemorating the centennial anniversary of the organization of the government of Massachusetts under the constitution was brought forward by Mr. William W. Wheildon, and on motion of the Rev. Mr. Slafter was referred to the Board of Directors with full authority to take such measures as they should think expedient.

At a special meeting of the Board of Directors, held on the 8th of October, on motion of the Hon. Thomas C. Amory, the following resolution was passed:—

Whereas, The centennial commemoration of the organization of the government under the Constitution of Massachusetts has been referred to this Board by the Society,

Resolved, That, in our judgment, some observance of the 25th of the present month would be appropriate in memory of this important event, which took place on the twenty-fifth day of October, 1780.

A committee, consisting of the Hon. Marshall P. Wilder, Mr. William W. Wheildon, and the Hon. Nathaniel F. Safford, was appointed to present this resolution to his Excellency John D. Long, Governor of Massachusetts, with such considerations as they may think proper in its behalf.

It was voted, on motion of Mr. John Ward Dean, that a special meeting of the Society be held on the twenty-fifth day of October, 1880, to commemorate the one hundredth anniversary of the organization of the government of Massachusetts under the constitution of 1780, and that Messrs. Wheildon, Amory, and Safford, be requested to read papers before the Society on that occasion.

At a subsequent meeting of the Directors, Mr. Wheildon reported for the committee that the governor would issue a proclamation, institute a brief commemorative service, have flags displayed on the State House, and a salute of a hundred guns on the Common; and that the Mayor of Boston would order the Old State House, in which the government was organized in 1780, to be properly decorated on the 25th inst. in memory of that event.

The Society met, agreeably to the call of the Directors, on Monday, the 25th of October, at its House, 18 Somerset Street, Boston, a century having on that day been completed since the organization of the government of Massachusetts under the constitution in 1780.

The Hon. Marshall P. Wilder, Ph.D., the president of the Society, opened the proceedings in the following words:—

LADIES AND GENTLEMEN,— In the absence of a more elaborate and general celebration of the one hundredth anniversary of the establishment of our State Government, it has been thought advisable that this Society should take cognizance of it, that a record of it might appear in our proceedings, and thus afford an example for its observance when another century shall have closed.

Most heartily do we respond to the recommendations of his Excellency Governor Long, in the memorable words of his proclamation in regard to this day; and most devoutly would I join in the thanksgivings to the God of nations which have just been offered at the capitol by our venerable patriarch, Dr. Hopkins, for the manifold

mercies which he has bestowed on the American Republic, and especially for the signal favors conferred on this Commonwealth.

When I reflect on what Massachusetts has done for the cause of education, science, commerce, manufactures, civil and religious freedom, and every thing that pertains to the highest civilization of her people and the welfare of the human race, my heart rises in gratitude to my heavenly Father, that he permitted me to be born close on her borders, under the shadow of her blessed institutions,—here for a long course of years to enjoy the rich blessings which have flowed from a wise and beneficent administration of her government, and the principles on which it is founded,—and here at last, I trust, to rest in the bosom of a soil consecrated by the blood, piety, and patriotism of her sons, to the cause of liberty and the rights of man.

The observance of this anniversary we owe not only to the present generation, but to those which are to follow us, in memory of the fathers who laid the foundation of our government, that their examples of wisdom and philanthropy may be perpetuated through all coming time.

The president then read the following letter from the Hon. Robert C. Winthrop, LL.D., president of the Massachusetts Historical Society :—

NEW YORK, 23d Oct., 1880.

MY DEAR MR. WILDER,—Few things would have given me more pleasure than to unite with the governor and council on Monday next, and afterwards with you and the New England Historic Genealogical Society, in commemorating the centennial anniversary of the organization of our State Government.

Next to John Adams no one had a greater part in framing the constitution of Massachusetts than James Bowdoin, under whose name, as president of the convention, it was submitted to the people for ratification. As the oldest of his living descendants, I should have felt proud to be present on such an occasion. But, as a delegate to

our Triennial Church Convention, I am bound to remain here until the 27th inst. Accept my best thanks, and believe me, with great regards,
Your obliged friend,

ROBERT C. WINTHROP.

Hon. M. P. WILDER, *President*.

Messrs. Wheildon, Amory, and Safford, having been announced by the president, read memorial papers on the subject suggested by the day.

PAPER BY MR. WILLIAM W. WHEILDON.

MR. PRESIDENT AND GENTLEMEN OF THE NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY, — The adoption of a State constitution in this Commonwealth, and the inauguration of a free and independent government of the people in "the territory formerly called the Province of Massachusetts Bay," on the twenty-fifth day of October, 1780, was a very important event in its history, and was so regarded at the time. The act was accomplished at the end of a hundred and fifty years from its settlement, and may very properly be regarded as an achievement in the great Puritan enterprise of settling New England, resulting in the establishment of an independent civil government of the people, and the full enjoyment of religious freedom.

PURPOSE OF THE SETTLEMENT.

The settlement of Massachusetts, however we may regard it, and whether that at Plymouth be included or not, was a marvellous undertaking, and from the beginning has yielded and been productive of most important and interesting results. The purposes and objects of the settlement, which, naturally enough, may have been various with the parties, were of a very decided character, and it is certain that the most prominent of these, in the minds of the actual settlers, was religious freedom, — the liberty and the right to worship God in their own way, and according to their understanding of the Scriptures.

There were some, however, not in the Massachusetts settlement, who did not come over with any such purpose as that avowed by the Puritans, which may be illustrated by a relation of Cotton Mather. He says, "I have heard that one of our ministers, once preaching to a congregation at the eastward, urged them to approve themselves a religious people from this consideration: That otherwise

they would contradict the main end of planting this wilderness. Whereupon a well-known person then in the assembly cried out, 'Sir, you are mistaken. You think you are preaching to the people at the Bay; our main end was to catch fish.' It is very likely, as has been said, that the reports of those who did come to these shores for the purpose of catching fish had some influence in directing and perhaps advancing the settlements, but they had no intention of making a settlement. But neither with the Pilgrims nor the Puritans did such considerations have any weight: the Pilgrims came as pilgrims, and the Puritans as puritans, and neither, it may certainly be said, with any secular or speculative purpose.

NON-CONFORMISTS.

In looking into the past for the primary cause of this movement on their part, it must be directly traced to the Reformation in England, when the non-conformists assumed a position and adopted an organization of their own outside the Church of England. Finding the Reformation laboring under a sort of "hopeless retardation," as expressed in the "Magnalia," they did, in 1602, enter into a covenant, "wherein expressing themselves desirous of attending worship with a freedom from human inventions and additions, . . . gave themselves up first unto God, and then to one another." Finding their brethren in the Church of England, as then established by law, took offence at these their endeavors after a scriptural reformation, and being loath to live in the continual vexations which they felt arising from their non-conformity, they peaceably and willingly embraced a banishment into the Netherlands, where they settled at the city of Leyden, about seven or eight years after the first combination. These were the Pilgrims, who afterwards, in 1620, left Holland, and landed at Plymouth, where, after many hardships of climate, weather, want of food, encountering the savages, accidents, and some wrongs and disagreements among themselves, they triumphed over all obstacles and

difficulties, and established "Congregational churches," according to their own faith and convictions, which they could not have done had they remained in England.

PILGRIMS AND PURITANS.

Thus, it will be seen, the removal of the Pilgrims to Holland was a direct consequence of the Reformation in England; and, becoming discontented there, "to avoid continual vexations," and be allowed to worship God according to their own convictions, they voluntarily came to New England. They were not persecuted, not martyrs, not banished, but Pilgrims; voluntary exiles from their native land, that they might enjoy their religious faith and worship God in their own way without the formalities of the Church. Not so the settlement of Massachusetts by the Puritans. In this case "it was persecution," as Cotton Mather says in the most emphatic manner; and yet, in laying this charge to the Church of England, which had simply displaced the Church of Rome, he says, "limiting that name unto a certain faction, . . . for, though their mother had been so harsh to them as to turn them out of doors, yet they highly honored her, believing that it was not so much their mother, but some of their angry brethren." Nevertheless, there can be no doubt it was the persecution of the Church of England, however it may have been influenced by members or authority, that compelled the Puritans, if they would enjoy the religion they professed and believed, to leave the country, even for the wilderness which was open to them. To forward this purpose, it is said, with the peculiar fervor of the Puritan, "the God of heaven served, as it were, a summons upon the spirits of his people in the English nation, stirring up the spirits of thousands, which never saw the faces of each other, with a most unanimous inclination to leave all the pleasant accommodations of their native country, and go over a terrible ocean into a more terrible desert, for the pure enjoyment of all his ordinances."

UNDER THE FIRST CHARTER.

By the first charter obtained by the company it was a kind of corporation, and its members were allowed the privilege of electing their own governor, and invested with authority to govern and to punish offences. This charter was continued through the early years of the colony, from 1630 to 1684, more than half a century, when it was finally annulled, and all the rights supposed to have been gained and held under it were called in question.

Sir Edmund Andros arrived in Boston in December, 1686, with a commission from the king as governor of all the New England colonies, to which, two years later, New York was added. Not only by this act were the powers and privileges of the people of the colony reduced and lessened, but they were, in fact, when the work of government assumed a practical form, deprived of much of their interest, and all their influence in its administration.

At this time, in fact, the colony was in its direst tribulations. The substantiality of their patent, by which they held the country, and even the papers, where they had obtained any, by which they held their house-lots and homesteads, were called in question. It seemed as if they were to be rendered almost penniless by taxation, over which they had no control, and homeless by claims which they could neither meet nor satisfy. They were absolutely preyed upon by the governor and his tools. "The brutish things done by these wild beasts of the earth," as Mather calls them, "are too many to be related." Among other things, Andros made a law prohibiting town meetings excepting once a year. The good thing the king did at this time, needed to help forward the great end which the colony seemed designed to effect, — civil and religious freedom, — was the "Declaration of Indulgence," by which there was to be universal toleration in matters of religion, which called forth a day of thanksgiving in Boston.

COLONIAL REVOLUTION.

The result of this condition of things which prevailed was the first colonial revolution, which, as if monitory of the Revolution which occurred nearly a hundred years later, was mostly enacted on the 19th of April, 1689, and resulted in the imprisonment of the royal governor and some of the leading men of his condemned administration. The people for a while managed their own government, observing, as far as might be, some of the forms prescribed in the original charter of the colony.

THE SECOND CHARTER.

The second charter of 1692, which followed, continued in force until the meeting of the Provincial Congress, and was the last under which the colony was governed by the officers appointed by the king. It deprived the people of many important rights and privileges which they had previously enjoyed, principally that of electing their own governor and council. This, together with the laws of Parliament and the attempt to tax the people exclusively for the benefit of the home government, brought about the second Revolution, which resulted in the independence of the country, the union of the colonies, and the establishment of a government of the people, by the people and for the people.

PROVINCIAL CONGRESS AND THE COUNCIL.

The government of Massachusetts was partially assumed by the people on the organization of the Provincial Congress, in October, 1774, and still more effectually, with a General Court, expressly elected for the purpose, in July, 1775, — the council, elected by the General Court, officiating as the executive, in the absence of a governor and lieutenant-governor, as provided for in the charter of 1692. This government, acting independently of king or Parliament, and chosen by the people, continued until the adoption of the State constitution, in 1780. The council

consisted of twenty-eight members, and fifteen signatures were necessary to make legal every act of the General Court.

THE SECOND REVOLUTION,

however, was of an entirely different nature and character from that which occurred something less than a hundred years before, when the colony was in its infancy. It was not simply dissatisfaction with the local government of the colony, but against the laws and measures of the king, the ministry, and the Parliament of England; and before its termination the Continental Congress declared the independence of the colonies, and the colony of Massachusetts assumed its own government, adopted a constitution, and elected its own governor and general assembly.

THE CONSTITUTION.

The interest and importance of this anniversary and the occasion it commemorates can hardly be exceeded by any that have preceded. In the midst of a war between the colonies and the mother country, commenced a few years before for the avowed purpose of punishing the Bostonians, the people, having driven the enemy out of the country, both army and navy, determined to assume the rights and duties of their own government, and establish a constitution for all time. It was a bold, spirited, and patriotic act of the people, and their first declaration was,

“ALL MEN ARE BORN FREE AND EQUAL.”

They assert, after what they had experienced under an assumed despotic power and a government not of the people, that “the body-politic is formed by a voluntary association of individuals, . . . by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good, and that the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.” All men are endowed “with the right of enjoying and defending their lives and liberties, of acquiring, possessing,

and protecting property, and of seeking and obtaining their safety and happiness." They went even further than this, declaring that no man or association of men shall have any "peculiar and exclusive privileges distinct from those of the community." "The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State." "Government is instituted for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any man or class of men. Therefore the people alone have an incontestable, inalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness, require it." These were bold declarations.

Such principles as these were new to the world until proclaimed in this country, more or less formally, in the acts and proceedings of the people, and finally by the Declaration of Independence, four years before the Massachusetts constitution.

The clause in the bill of rights declaring the right of the people "to reform, alter, or totally change their government when their protection, safety, prosperity, and happiness require it," met their own case, and described the condition of the people prior to the Revolution. For a hundred and fifty years the people of the colony had been the subjects of "His Majesty the King of England," whoever or whatever the King of England might happen to be; and it may be said they had no rights of their own by nature, and were only permitted to enjoy such as "his Majesty" might be disposed to grant them. If not slaves in the full sense of that term, they were the servants of his will, living under his grant, and subsisting, as it were, by virtue of his indulgence.

JOHN HANCOCK, GOVERNOR.

The second Revolution, as we have seen, put an end to this state of things, and the last governor, who had sus-

tained himself for a while by his military power alone, had to leave the country, and was succeeded by the man whom he had attempted to disgrace. John Hancock, the first Governor of the Commonwealth of Massachusetts, escorted the last British governor of the colony from Long Wharf to the Old State House, in May, 1774, and was soon after, on the 1st of August, dismissed from his command, the governor no longer having occasion for his services. On the 11th of October following, this dismissed officer was elected President of the Provincial Congress, and in May, 1775, a year after the arrival of Gen. Gage, he was promoted still higher, and was elected President of the Continental Congress, at Philadelphia; and, finally, on the 25th of October, 1780, six years after the arrival of Gen. Gage in Boston, he was elected Governor of the Commonwealth of Massachusetts by the people, under the new constitution of the State. Thus did the people revenge the treatment of this sterling patriot by Gen. Gage, and at the same time showed their appreciation of his patriotic services in their behalf, by placing him at the head of a free and independent government of the State just a hundred years ago this day.

This, Mr. President, is the day and the occasion which we have met here to commemorate: the foundation of the Commonwealth of Massachusetts, through the tribulations of the first charter and the persecutions which followed persecutions under it, leading to its revocation; through the first colonial revolution, and the burdens of the second charter, up to the time of Gen. Gage, the Provincial Congress then assuming the powers of government in the presence of a British governor and a British army; then the temporary government, advised by the Continental Congress, until, finally, the adoption of a State constitution in place of a British charter, and the establishment of an independent government. If there ever was a community or State, as far as the principles of a free and independent government and the rights of the people to worship God according to their understanding of the

Scriptures are concerned, that may be said to be founded upon a rock, that State is Massachusetts. Massachusetts Bay was settled upon the basis of the Christian religion, with a strong and abiding faith in God, the Son of God, and the holiness of the Bible. This spirit was the moving and the ruling power, and it may almost be said the actual settlers knew no other; they certainly regarded no other as superior to it. Their religious belief was at all times paramount, whether in the Church or the State; and, whatever criticisms are to be made upon them or their conduct, the errors they committed may be traced to their zeal in the cause which they professed, and which at all times controlled them. And surely it may be added that whatever interruptions, delays, or drawbacks, have occurred in history, here or elsewhere, must be considered as incidental to the undertaking, or, as Hutchinson expresses it, resulting from the fallibilities and infirmities of human nature.

CONCLUSION.

The great purpose of the Puritans, for which they had left their homes and sacrificed every thing else, was accomplished even beyond their expectations. The recognized law that a sect once persecuted is sure to become in its turn persecutors, came into full force, and the persecution of different sects by the Puritans themselves was more severe and reckless than any thing which they had experienced, extending not merely to fines and corporal punishment, but to maiming of the body and the taking life. The result was the interference of the king, strange to say, in favor of religious freedom against the Puritans, and the final annulment of the charter of the colony. Thus, persecution brought about the settlement of the country, and secured for all time religious liberty and universal toleration.

The temporary despotism which followed the revocation of the charter was overthrown by its subjects, and the revolution gave place to the second charter, which was distinguished by its restrictions and usurpations of the

civil rights of the people, so that persecution was now undertaken by the government against the rights of man, political freedom, and personal independence. The excesses of the government and the attempt to tax and enslave the people, resulted, as in the former case, in a denial of the claim, a complete revolution, the establishment of an independent constitution, and a free government of the people.

So that, it is true to say, religious persecution brought about religious freedom, and political persecution brought about civil freedom, until both were secured to the people of this Commonwealth by the constitution of 1780.

NOTE. — In the brief discussion which followed the introduction of the subject at the meeting of the Society, on the 6th of October, the inquiry was made whether Massachusetts was the earliest of the colonies in the adoption of a State constitution, after the Declaration of Independence, and while the war continued. In answer to the inquiry, it may be stated, that Virginia, Maryland, North Carolina, and New Jersey, each adopted State constitutions in 1776, which were subsequently essentially remodelled; and in all of them it was provided that the governor of the State should be chosen by the general assembly or legislature, and not by the people. In the Constitution of Massachusetts, adopted four years later, it was provided that the governor and lieutenant-governor should be chosen by the popular vote; and this provision now prevails in most, if not all, the States of the Union. In the other States, comprising the original thirteen, the constitution of each was adopted as follows: New York, revised and amended, 1801; Pennsylvania, September, 1790; New Hampshire, 1792; Vermont, 1793; Rhode Island, under its charter until 1818, governor elected by the people, constitution adopted, 1843; Connecticut, charter of 1662, until constitution in 1818; Delaware, revised and amended, June, 1792; South Carolina, June, 1790; Georgia, revised 1798; so that it is probably true to say that the first complete free and independent State constitution, election of governor and other State officers by the people, was that of Massachusetts, in 1780, and even this has undergone revision and amendment. The early constitutions, wherever adopted, were sure to be imperfect and incomplete, from the very nature of things. A free government of a people and for a people, all having equal rights and privileges, was literally "something new under the sun," and, as we have seen, required consideration, wisdom, and experience, to make it as complete and perfect as it is at the present day.

PAPER BY MR. THOMAS C. AMORY.

THE centennial commemoration of our national nativity the last six years has been principally occupied with the campaigns and engagements of the Revolution, which led to independence. The ancient proverb, which has attained also the dignity of a legal maxim, that *inter arma silent leges*, applied with less force to our revolt against the mother country than to much of the more regular warfare waged between long-established nationalities. Its leaders, statesmen and lawyers, and accomplished officers who commanded in the field, well knew for what they were risking their lives in battle or on the scaffold. Success depended in a great measure upon conciliating the good opinion of the world at large, as well as upon what might be thought of them at home. They consequently took good care to compel respect, not only by the justice of their cause and their honesty of purpose, but by a scrupulous regard to law, in spirit and in form, in their military operations and their civil administration. The pulpit and the press instructed all the educated classes up to the importance of the crisis. The principles involved in the struggle were constantly discussed. Algernon Sydney's book on government, and similar works, were their favorite study. The literature of the war exhibits throughout a profound knowledge of what liberty signifies, and teems with the many ancient historical precedents to incite and justify their efforts to escape from the intolerable political servitude to which they were subjected.

Nor had the intelligent farmers and artisans who fought the battles of the war much to learn on the subject of government. From the memorable compact in the cabin of "The Mayflower;" from the generous charter of Massachusetts Bay, unconsciously granted by the first Charles, to be wrested away by the second in 1684; under the provincial charter of 1692, which reduced the

colony to more complete subjection to the Crown, down to the arbitrary measures which at last aroused resistance, the inhabitants of our own as well as of the sister colonies had had frequent occasion to experience the full bitterness of oppression. Monarch and ministers, representing a few haughty oligarchs, not the great body of the English people, had violated without consideration their rights as British subjects, disregarded their chartered privileges, interfered with their trade, foreign and domestic, and treated with contumely remonstrance and complaint. These grievances festered into implacable resentment what remained of loyalty; and when the arbitrament of arms could no longer be avoided, the whole American people, with a few exceptions among the opulent, sprang up, like the seed of Cadmus, armed men, to fight for their liberties.

The organization of the army besieging Boston under general officers appointed by the Continental Congress in June, 1775, committed the sister colonies to the defence of the common cause. At Watertown, behind the lines, the Provincial Congress, having no pretension to be regarded as a duly constituted body, competent to legislate, dissolved, and on the 19th of July the General Court re-organized under the provincial charter; the powers of the Executive, in the absence of a governor, vesting, as therein provided, in the majority of the council. One consideration which prompted this course was to legalize the exercise of authority; and, moreover, wisdom counselled not to lose any advantage that might be of value in case of reverse from that instrument, should it remain in its full vitality. They had not then thrown off their allegiance, or relinquished the hope that by their strength and bold vindication of their rights they might obtain from the prudence of the British Government what its sense of justice and magnanimity denied. Many among the ablest of English statesmen were ready to admit that Parliament, in which they were not represented, had no right to tax the colonies. That coercion and illegal exercise of power justified

resistance was the cardinal principle of English liberty, from Magna Charta to the Bill of Rights. That concessions would be made, and their connection with their fellow-countrymen across the sea be maintained, was for a time an expectation. But they were not long deceived, and no redress or immunity offered but in separation, that became their aim and object.

The British, in March, 1776, were driven out of Boston, and in May, some weeks before the declaration of independence at Philadelphia, the General Court passed the Style Bill, as it was termed, which renounced, so far as Massachusetts was concerned, all allegiance to the Crown. It was drawn up by James Sullivan, then at the age of thirty-two judge of the Supreme Court. It recited in brief the grievances which had compelled the people to have recourse to arms, and ordered that after the first of June, all legal process, administrative acts and commissions, civil and military, should be no longer in the name of the king, but of the government and people of the Massachusetts Bay in New England.

In a letter alluding to this bill, Sullivan writes as follows to John Adams:—

“Taking it for granted such is the celerity of the American world to independence, and so obvious the decrees of Heaven for that grand event, that the sluggish motions of the irresolute and the weak and scandalous efforts of the tyrant are alike unable to prevent it, the important question is, What shall be done by this colony? Shall we urge you to an acceleration of the wheels of fate, and force you to translate us into an independent world immediately? Or shall we only assure you that we are ripe for the measure, and are in danger of being rotten before the proprietary governments are ripe? There are many among us who dread the change, as good men do their natural dissolution, perfectly pleased with the idea of an hereafter, but stand trembling on the brink, and fear to launch away. But none are there who do not heartily engage to support the measure if Congress should pursue it.

“We are daily altering our old, unmeaning form of government, as you may learn by the Style Bill, a history of which I sent Mr. Gerry; and I hope we shall attend to it when the defence of our country calls not our attention another way, until it is made a basis of liberty, and

not a path to vassalage and lawless domination. Some are writing to Congress for leave to assume a new form of government, but my mind is otherwise. I think it would be attended with the greatest anarchy, as it would leave the people for a time without any rulers; and to be free on the subject, I have many doubts whether the Congress has or ought to have power to regulate the national police of the different colonies, their business being, in my opinion, only to regulate the matters between government and government, for which particular assemblies are incompetent. I am, therefore, for attending to this matter ourselves, and for altering our constitution, piece by piece, in a manner the least alarming to our sister colonies, until we shall reduce it to true republican principles."

That same month Congress recommended to the States that the exercise of every kind of authority under the Crown should be suppressed. New Hampshire the previous year had changed its colonial forms for republican, and the other States, except Rhode Island and South Carolina, proceeded to organize governments. Our General Court, without delay, appointed a committee to consider the matter; but the opinion prevailing that any such action should originate with the people themselves, they were recommended to send deputies the following year, empowered to adopt a form of government. In February, 1777, before the General Court assembled, the committees of safety met at Worcester, and voted that an express convention of delegates ought to be called to frame a constitution. The deputies, however, when the court assembled, came with the proposed powers, and it was too late to recede. A draft was accordingly prepared by a committee, and approved in December, 1777, by the court; but when submitted on the following fourth of March to the people, it was rejected by a vote of one to six, one hundred and twenty of the towns making no returns. Its defects were manifold. It contained no bill of rights, enunciated no great principles. The powers and duties of the legislators and rulers were not defined, and it was in many other respects objectionable. The press strenuously opposed its adoption, and a pamphlet reporting the proceedings of a convention at Ipswich to consider its insuffi-

ciency, called the "Ipswich Result," was thought also to have influenced its rejection.

A year later the General Court, in February, 1779, not discouraged by the ill success which had attended their first effort, submitted to the people the question whether they would empower the next General Court, to assemble in May, to call a convention to form a constitution. The response being in the affirmative, a convention met at Cambridge on Wednesday, the first of September, over which James Bowdoin presided, and of which Samuel Barrett was secretary. Three hundred is the largest number of members noted as present at any one time. They consisted of the ablest men of the State, of which Maine then formed a part. Rules and orders were prepared and adopted. The preparation of a declaration of rights and frame of government was voted to be intrusted to a committee consisting of four members chosen at large, and twenty-seven apportioned to the fourteen several counties, according to their representation in the General Court, to be nominated by their respective county delegations.

The names of that committee, most of them illustrious in our annals for their wisdom, ability, and distinguished services, and equally memorable for their patriotism and self-sacrifice, their uprightness and general elevation of character, for they were as good as they were great, deserve this day to be especially remembered with grateful veneration.

Samuel Adams, John Pickering, Caleb Strong, and William Cushing were chosen at large; James Bowdoin, John Adams, and John Lowell, for Suffolk; Theophilus Parsons, Jonathan Jackson, and Samuel Phillips, for Essex; James Sullivan, Nathaniel Gorham, Eleazer Brooks, for Middlesex; Noah Goodman, Hezekiah Smith, John Billing, from Hampshire; John Cotton and Gad Hitchcock for Plymouth; Enoch Hallet for Barnstable; Robert Treat Paine and Samuel West for Bristol; Benjamin Chadbourne and David Sewall from York; Jedediah Foster, Joseph Dorr, John Nichols, from Worcester; Samuel Small from Cum-

berland; Benjamin Brainard from Lincoln; James Harris and William Walker from Berkshire.

There were many members possibly as distinguished not on the committee; and the roll of the convention can hardly be read to-day by any of us without recalling numberless careers too useful and honored to be forgotten.

After a week spent in organizing the convention, it adjourned, on the 7th, for seven weeks, to Oct. 28th, to give time for the committee to perfect its work. The committee met on Monday, Sept. 13, at the new court-house in Boston, and appointed James Bowdoin, John Adams, and Samuel Adams, as the sub-committee to draw up the plan of a constitution, and afterwards John Adams alone to prepare a bill of rights. Mr. John Adams, who had returned from Europe shortly before the meeting of the convention, and who sailed again on his return thither as minister to negotiate treaties of commerce, on the 17th of November, prepared according to tradition, the first draft of both instruments.

“More than any other man, perhaps, in America, he had devoted himself to the study of the different theories of government. His early writings had done much to shape public opinion, and he was naturally regarded as the most safe and efficient leader in this important labor. While always loyal to liberty, and never hesitating in his faith in republican government as the best, — though that best must in some respects be imperfect, — his principal aim was to constitute a government of laws, not of men; and making the duly expressed popular will the rule of what should be deemed wise and expedient, various checks and restraints were introduced into his plan, to guard against the natural infirmities to which that will is subject in its periods of excitement.”¹

His associates on the sub-committee helped to shape the report, and, when submitted to the general committee, it was for several weeks under discussion before it was reported on the 28th of October, 1779, to the convention. The convention sat at Cambridge till the 12th of November, and then adjourned to meet in the Representatives' Chamber in Boston on the 5th of January. Heavy snows

¹ Life of James Sullivan, vol. i. p. 107.

impeded travel, and for a time but few were in attendance. When, towards the middle of the month, sixty were at last present, the work was taken up and diligently prosecuted. No report of the debates has been preserved, and the skeleton minutes of the secretary shed little light. The draft reported to the convention in October was variously amended and extended, but in essentials was little changed. The most protracted discussion was on the third article of the declaration of rights for the support of the churches.

As their deliberations were approaching an end, a committee of five, nominated by the House, of which Judge Sullivan was chairman, and Mr. Sam Adams, John Lowell, West, and Gray were members, was charged with the draft of an address to the people to be printed with the constitution, that it might be better understood. Mr. Wells, in his memoir, claims the authorship of this address for Mr. Adams; but Dr. Eliot, the general biographer of the cotemporary leaders, states that it was composed jointly by Adams and Sullivan. The duty, according to custom, devolved upon the chairman to draw the report, but both may have done their part. Such co-operation was not rare at that day when they measured their words. The principal part in preparing the frame of government and declaration of rights is also claimed for Mr. Sam Adams. This seems an injustice to his great memory. It needs no borrowed plumage. To no single Lycurgus or Solon is Massachusetts indebted for its excellent constitution. There were many at work. Lowell, whose amendment of the first article, that all men are born free and equal, has been claimed as abolishing hereditary bondage; Sullivan, whom a writer in "The Evening Post" in 1782 states to have had a considerable share in forming the constitution; Paine and Pickering, Cushing and Parsons, who, as Caleb Strong tells us in 1819, took an active part, were not all who helped in the work.

The declaration of rights was happily no original composition. It embodied the political teaching of ages.

Part as old as Runnymede, part in the bill of rights of 1689 settling the crown on William and Mary, part the suggestion of recent experience, it enlarged and improved upon the declaration of Virginia in May, 1776, and may be found piecemeal all through the disputes with Parliament, in speeches, essays, and correspondence, for the twenty years before.

The frame of government differs but little in form or in its main features from that rejected in 1778, some few portions of which were incorporated, word for word, in the report of the committee to the convention, and in the matured drafts submitted in May, 1780, to the popular vote. Both drew largely from the previous systems under the colonial and provincial charters, which were familiar. John Adams has been generally believed to have drawn up the first report to the general committee of both instruments, and the fifth chapter on the encouragement of art and literature and the general distribution of powers, is stated to have been his exclusive charge.

On the second of March the convention, having completed their work, voted to submit it to the people for their approval and ratification. The citizens of the several towns were invited to adopt it absolutely, or conditionally if amended, or to reject the whole or any part,—one or all of the thirty articles of the declaration of rights or sixty-nine of the frame of government, of which they severally consisted, one hundred in all being the original number. If the majority in any town should disapprove of any clause, they were requested to express their objections. It was provided that if two-thirds of the votes cast throughout the Commonwealth should be in favor of all parts of the instrument, it was to be considered adopted. The several towns were also requested to empower their delegates to modify what should be disapproved, to conform to the general sense of the people. Eighteen hundred copies of the proposed constitution were distributed to the selectmen, who were enjoined to submit it to the voters of their towns, in May, and make return of the

result before the last Wednesday of that month or the first Wednesday in June, to which time the convention then adjourned.

Upon examination of the returns in June from a hundred and seventy-four towns, it was found that objection had been made to several clauses: to the third article of the declaration of rights, providing for support of the churches by general taxation; to the sixteenth, providing trial by jury in all civil suits, except for causes arising on the high seas, or mariners' wages; to art. 7, sect. 1, chap. 2, of the frame of government that the Senate should choose its own president, appoint its own officers, and determine its own rules of proceedings; to art. 7, chap 6, to the honorary title of governor, lieutenant-governor, and council. The objections to the whole, or to any special clause, were not sufficiently numerous to affect the two-thirds vote required for adoption, and on the fifteenth of June, every article being read separately, and the question put if the people had accepted it, the vote in each case was largely in the affirmative. It was then moved and seconded that the people of the State of Massachusetts Bay had accepted the constitution as it stands in the printed form submitted to their revision by the resolves of the second of March last, and this also passed by a large majority.

On the following day it was resolved that the first General Court should be held on the last Wednesday of October, and that town meetings should be called throughout the State on the first Monday in September, to choose a governor, lieutenant-governor, and persons for councillors and senators; and in October, ten days at least before the last Wednesday, representatives to serve in the said General Court. James Bowdoin, president of the convention, Judge Greenleaf, General Davidson, Ebenezer Storer, and Hon. Oliver Wendell, were appointed a committee to wait on the two Houses of Legislature with an attested copy of the resolves. Another committee was appointed to make application to the court for payment of the attendance

and travel of the members of the convention out of the public treasury; and yet another, to request the court to provide for the usual entertainment on election day, for the said last Wednesday in October. The committee charged to present the resolves were ordered to request the branch of the Legislature, whose turn it was, to appoint, if they saw fit, a minister to preach the usual election sermon on that day.

John Hancock was elected governor. There was no choice by the people of lieutenant-governor, and James Bowdoin and then James Warren were successively chosen by the General Court, but declined, and Thomas Cushing was elected. The Senate and House were filled with well-known personages already or later conspicuous in the public service. On the election day the Cadets escorted the governor to the State House,¹ and when he had been qualified, thirteen guns were fired. After the sermon by Dr. Cooper in the old Brick Meeting House, from the text in xxx. Jeremiah, — “And their congregation shall be established, and their nobles shall be of themselves, and their governor shall proceed out of the midst of them,” — the Government and invited guests dined at Faneuil Hall, the number of toasts being likewise thirteen, in recognition of the sisterhood of States.

Proclamation was soon after made by the governor from the Province House, then, as earlier, the headquarters of the Executive, that the judges and other officials, as provided in the constitution, should exercise their functions till others should be appointed. The judges of the Supreme Court and Mr. Bowdoin and Mr. Pickering were appointed a commission to revise the laws in conformity with the principles of the new government, and submit them to the Legislature. Entails and primogeniture were

¹ The Cadets, it will be recollected, had disbanded themselves, when Gen. Gage withdrew the commission of John Hancock as commander; but as their presence is mentioned in the newspapers of the day, it is probable that they volunteered their services on the occasion. The corps was afterwards revived and commissioned, under the administration of Gov. Bowdoin, in 1785.

virtually repealed, or rendered ineffective. Every vestige of regal rule was taken from the statute book. Supposed necessary safeguards for the security of property, where not repugnant to the constitution, were respected. Thus the people of Massachusetts became "a free, sovereign, and independent State, with the sole and exclusive right of governing themselves; to exercise and enjoy every power, jurisdiction, and right which is not or may not hereafter be by them expressly delegated to the United States of America, in Congress assembled." They so remained sovereign till the ratification of the federal constitution, and so continue, except so far as that instrument can be fairly construed to have divested them of any part of their independence.

Certainly Sam Adams, who urged the importance of the amendments, that the good people may clearly see the distinction between the federal powers vested in Congress and the sovereign authority belonging to the several States, which is the palladium of the private and personal rights of the citizens; Sullivan, whose work on the United States Government, in 1791, was written expressly to insure the amendment to the federal constitution, securing the judicial independence of the States; John Hancock and many more who took part in framing the State constitution, believed State sovereignty an important safeguard of liberty.

In 1795 it was decided not to revise the constitution as provided in the instrument, but in 1820, a convention, over which John Adams was invited to preside, but declined, submitted to the people fourteen amendments, nine of which were adopted. The first provided that no bill submitted within five days of adjournment should become a law unless signed by the governor. The General Court, by the second, was authorized to make towns of twelve thousand inhabitants cities. The third determined who should be entitled to vote, and repealed the sixty pound qualification. The sixth and seventh abbreviated the oath of allegiance, and the ninth provided for amendments.

The tenth amendment, in 1831, changed the beginning of the political year to the first Wednesday in January. The eleventh, in 1833, annulled the third article of the declaration of rights as to the support of churches by general taxation. The thirteenth, in 1840, removed the property qualification for the Legislature. In 1853 a convention framed a new constitution, which was not approved by the people, but some of the proposed changes were embodied in the subsequent amendments. The recent large immigration had created some solicitude lest those born in the country should be largely outnumbered, and this may account for some of the constitutional changes made or advocated at this period.

The fourteenth amendment, in 1855, substituted the plurality rule for the majority previously required. The sixteenth provided that the councillors should be elected by the people; and the seventeenth, the secretary, treasurer, receiver-general, auditor, and attorney-general; the nineteenth, sheriffs, registers of probate, commissioners of insolvency, clerks of court, and district-attorneys. The eighteenth, the same year, prohibited the application of public moneys to the support of sectarian schools.

The twentieth amendment, in 1857, provided that no person should vote, or be eligible to office, who could not read the constitution in the English language, and write his name. The twenty-first and twenty-second, the same year, reduced the House to two hundred and forty members, and the Senate to forty. The twenty-third, in 1859, that no one should vote, or be eligible to office, who had not resided in the United States two years after his naturalization, was annulled by the twenty-sixth in 1863. The twenty-fourth, in 1860, provided that vacancies in the Senate should be filled by the people; and the twenty-fifth, vacancies in the council by concurrent vote of Senate and House, if in session, if not, by the governor, with the advice and consent of the council. The twenty-seventh and last, in 1877, removed the disqualification, under art. 2, chap. 6, of presidents, professors, and instructors of Harvard College, for seats in the Legislature.

These amendments are significant to whoever is familiar with our history during the last hundred years. They indicate the growing enlightenment in keeping religious controversy out of politics, and the jealousy of authority and drift towards democratic principles in filling the public offices by popular vote instead of by the previous Executive appointments. They show, too, an increased confidence in universal suffrage, by the removal of property qualifications for electors and elected. It is creditable to the wisdom of those who framed the constitution, that in a changeable world so much of it remains, as originally reported and adopted, undisturbed. The character of a people shapes its institutions; and those institutions have again a conservative and retro-active influence in maintaining its pristine standards, and holding fast the generations as they pass to such paths of moderation as wisdom and experience teach us are alike beyond the reach of despotic power and popular lawlessness.

If too bold to assume that the Constitution of Massachusetts, as originally adopted, was absolutely perfect, or even superior to those of her sister States, it was wisely framed to effect its object. It was not the earliest, and she profited by the experience of those that had already finished their task. For then all circumstances favored the work. Exhausted by the war, the country felt the need of more efficient methods of bringing out what remained to it of strength. The Articles of Confederation had not yet been adopted in 1780; and Congress, without means or credit, and with divided counsels, was too feeble to cope with its heavy responsibility. The importance of well-organized State governments to keep alive the struggle, on which the safety of each and all depended, was perceived, and fortunately there were not wanting clusters of trained statesmen over the land competent to form them. Actuated purely by a conscientious sense of obligation to carry out the wishes of their constituents, no selfish ambition, no craving for personal rank or distinction, such as had prevailed with hardly an exception in every other

1780

civilized land, swerved them from fidelity to the equal rights for all, for which they were still contending. Discarding every vestige of hereditary privilege, and carefully avoiding the speculative fallacies of French philosophers then chafing against the fetters of feudal vassalage, they founded republics upon that perfect law of liberty which opened to all the pursuits of happiness according to desert, opportunity, and the behests of Providence, without disturbing vested right or established order.

Never before had governments, so free and equal, with representations so general, under written constitutions as carefully guarded, been subjected by an intelligent people to the test of experiment. Sorely tried by dangers foreseen by their framers, by many no forecast could have anticipated, they have stood the strain; and, if faith in their ultimate stability has ever wavered, time has strengthened, not impaired. The States, each in its own sphere independent, circle round a central power of their own creation, clothed with a portion of their own vitality, reciprocally receiving and diffusing health and vigor. Held in their respective orbits by forces too beneficent to be simply human, they constitute a system, which, we may well hope, like the universe itself, will prove enduring; and, if the children are as sensible as the fathers that framed it, will bear witness through time of the possibility of free institutions, and serve as a model to nations as they become sufficiently enlightened to value, and wise to adopt it.

PAPER BY THE HON. NATHANIEL F. SAFFORD.

AFTER listening to the papers which have just been read, in which have been traced, with careful and elaborate research, the gradual development of the principles which underlie the constitution, the rudiments of its structure, its process of formation, and the extent and limitations of its powers, I may, perhaps, on a public anniversary like this, be indulged in a somewhat wider range of remark than is befitting the themes usually presented to the attention of this Society. I refer to the external relations of the constitution, if, indeed, the powers of sovereignty expressly delegated under this constitution do not form a *part* of the constitution from which they emanate. I mean the relation which subsisted to the provincial laws, to the old confederation, the co-ordinate sovereignty of the States, to the federal union, and to the subrogation of certain attributes of the one, combining to enthrone the nationality of the other. They were recognized at the time of its adoption in the relation then subsisting; in the clause excepting from jurisdiction such right and power as had already been, or should thereafter be, delegated to the United States, in the provisions for the election of delegates in Congress, and in the form of the Oath of Allegiance.

Although the cession of powers of limited sovereignty by the State has not impaired its entirety as a framework of constitutional representative government, it has materially circumscribed the limits of its powers in their practical operation. These have also been modified by the numerous amendments to the federal constitution ratified by the States, and by the decisions of the federal courts. No separate State-right system, exercising the full powers of treaty and national supremacy as reposed in the federal government, is known to our annals. Such system has always been affected, whether under colonial or provincial

•

or more recent rule, by its relations to the Crown, the confederation or the union of the States.

So intimate were the governmental relations of the colonies in their resistance to the Crown, and their relations as States to the confederation and the Constitution of the United States, that any historical comments upon the derivation of the rights, the origin of the sovereignty or the limitations of the powers of the one, are soon deflected by the co-existence and perturbations of the other.

There is probably no instance in human history where discussions of civil, political, or chartered rights, of constitutional and representative government, kept pace, side by side, with incessant military campaigns and the alternations of victory and defeat, as during the seven years of the revolutionary struggle.

Wherever you open the volume, the mind is impressed with a consciousness of the magnitude of its momentous issues, whether the eye rests upon the right or the left, upon its civil or upon its military page.

On the military page are recorded those causes which organized resistance; the Stamp Act, the Revenue Bill, the Boston Port Bill, the writs of assistance, the contests with the Crown, the attempts to abrogate the charter, the stern expressions of public sentiment,—"strong halters, firm blocks, and sharp axes to those who deserve either,"—the scenes of the Boston Massacre, the manifestoes of the Suffolk Resolves, of the provincial and continental Congress, the Declaration of Independence, the events at Lexington, Bennington, and Saratoga.

These, and such as these which either induced, organized, or resulted in resistance, may be fitly grouped together on the military page under the two first words of the motto upon the seal of the Commonwealth,—"*Ense petit.*"

The civil page transmits the record of events consequent upon the exigencies of their governmental conditions, the formation of a frame of civil government, the adoption by the people of the constitution of the State,

the events fitly typified in the concluding clause of the motto, "*Placidam sub libertate quietam.*"

It is worthy of note that when, in years after, the National Congress adopted a device for the great seal of the Union, they selected a design almost identical in expression with the sentiment which is conveyed in the motto of the State,—the eagle holding in his right talon the olive branch of peace; with its left clasping thirteen arrows, out of diversity evoking unity; a symbol of a new order of ages, when the arrows of war should be clasped by the girdle of peace, like that spirit of wisdom personified in the scripture of old,—“being but one she can all things do, and remaining in herself she maketh all things new.”

In order to comply with the recommendation of Congress to establish a constitution, slight changes only were requisite in the legislative and judicial departments. The colonial system had introduced forms of administration not dissimilar from those which had existed in Great Britain, with authority vested in two houses, one or both elected by the people. But the constitutions adopted by these States were the first written constitutions known to history. Their framers sought some just philosophical basis, such as should insure an equal and general representation, but not an unrestricted right of suffrage. In the Rhode Island and Connecticut plantations, the people were empowered by their charters to elect all their officers. In Massachusetts and the other colonies, the House of Representatives was chosen by the people; but the governor and the body of councillors were appointed by the King or by proprietors.

For the structure of a State constitution they had no distinctive model. Charters, ordinances, patents, and statutes, had been so often disrespected by both King and Parliament, that precedents had lost the force of example. Precedents disappeared like footprints in shifting sands. Laws and institutions were shaped by the logic of events. They mouldered not out from uncertain or unmeaning traditions. They were canonized in the lives, the sacri-

fice, the language, the prayers, and predictions of the men who had been the authors and actors in their utterance.

They ingrafted, it is true, some of the best muniments of English liberty, such as the principles of Magna Charta, the writ of habeas corpus, and the right of trial by jury. But these were in no sense the framework of the constitution; they were but its scaffolding, — mere incidents, — remedies already embodied in the common law, long since interposed for the protection of the subject against the oppressive acts or exactions of a pre-existing tyranny. The concessions required by the barons for their protection from the arbitrary rule of King John by Magna Charta, six or seven hundred years before the formation of this constitution, the writ of habeas corpus to relieve the subject from arbitrary and unlawful imprisonment, however important and salutary in the exigencies which gave them birth, in no sense justify the encomiums which have been so often pronounced upon their merits. These provisions, for aught of them that these written constitutions contain, are neither the foundation, the corner-stone, or the framework of a government established on a basis of popular sovereignty, *of, by,* and *for* the people; they are but ordinary or special remedies under the common inheritance of the common law; and whether or not they are elsewhere the muniments of English liberty, their forms might all co-exist under the vilest system of oppression on which the sun ever shone.

No. As Rousseau said, it was the “inalienable right” that was the key-note to the anthem of universal freedom.

Rightly to estimate the magnitude of this revulsion from all pre-existing allegiance, we must recognize it in its assertion of dignity more ennobling, a world-wide influence far more expansive than a mere relief from colonial dependence or subjection. For when, after this constitution had been written, the treaty of peace was signed, it became something more than a convention between a kingdom and a colony, — it was henceforth a

treaty of concession of prerogative, monarchy, and privilege to the highest behests of human liberty. That revulsion was attended with the throwing off of the entire structure and scaffolding of monarchy, the opening a way for the induction of popular sovereignty, and the subversion of a fatal policy which had fastened into every fold to repress the growth of the colonies.

In the earlier days of colonization, commerce sought its protection and profit in exclusive monopolies.

Hence came royal charters, patents, powers, and grants of local government. Afterward, as their counterpart, came severe and unjust restrictions upon manufactures and commerce, revocation of charters by the Crown, and unwarrantable exactions by the Parliament. This system of combined monopoly, prerogative, and privilege permeated all their relations to the colonial and provincial governments, until, for the simultaneous upheaval and subversion of the entire fabric, the hour had struck.

These royal charters, granted, revoked, re-issued, with lines of boundary indefinite and deceptive, occasioned ceaseless and even hostile antagonisms among the colonies. Soon the wars between France and England were transferred to the soil of America. There remained no other alternative than to espouse the cause of Great Britain. That cause espoused, was upheld by the colonies with a kind of religious enthusiasm, for with her were the affiliations of language, law, sect, and race. The year 1763 witnessed the subversion of French power in America.

Why, now, had they fought the battles for dismemberment from France, to be crushed anew by the ascendant power of England?

It has been said that the eleven years intervening between the first Colonial Congress convoked at Albany in 1765, and the Declaration of '76, witnessed more learned and profound debates on the subject of human rights, more thorough investigations of the rights of the citizen and the principles of civil government, than up to that time had ever occurred in the history of the human race.

The march of armies, the victories in naval warfare, those eventful scenes of suffering and sacrifice, would have been of less avail had they failed to secure at last a civil government under a free constitution; one that should repose in rulers sufficient power to restrain and leave to the citizen all reserved rights.

Notwithstanding the extreme reluctance of several of the colonies to consent to the articles of the old confederation, yet, when Virginia asserted in her constitution the sublime truth of the self-evident rights of man, that noble manifesto under slight variations in form of expression was repeated with a single exception in every constitution that was formed after the Declaration of Independence. Georgia recognized "the laws of nature and reason." Upon this theme South Carolina remained silent.

Among those renowned historic names of the gifted sons of Massachusetts, the framers of her constitution, the pride and glory of this centennial day, are written those of John Hancock, Samuel Adams, John Adams, and Robert Treat Paine.

What other than these in the annals of constitutional liberty should greet the coming millions as they advance to enjoy the priceless blessings, and transmit and perpetuate the institutions, of a free and sovereign State?

For these were they, already written on the scroll which contains the Declaration of Independence by these United Colonies, which affirmed the truths that impelled them to dissolve the political bands which had heretofore connected them with the British Crown, to enable them to assume among the powers of the earth "a separate and equal station; and who, "appealing to the supreme Judge of the world for the rectitude of their intentions, had mutually pledged to that Declaration and to each other, their lives, their fortunes, and their sacred honor."

How apposite that the name of John Hancock, the President of Congress on the day of the adoption of the Declaration of Independence, and the *only* name which

nad yet been signed on the day of its adoption, when it went forth into all the world, and the old bell of Independence Hall rung out its thrilling tones unto all the inhabitants of the land, and the old cradle of liberty was rocking with its natal chants, how apposite, how fortunate, yea, foreordained to an imperishable future, that the same great name on that morning risen to a fame of centennial glories, the name of one, whose hospitable home had bid its repeated welcome to the patriot sires, whose eye kindled and whose heart beat in unison with every advancing wave of constitutional liberty, whose hand never trembled, whose tongue never faltered, and whose courage never quailed; how appropriate, that he should be thus associated in the annals of his native State, and installed as the first governor of this honored Commonwealth.

Of that Congress, wrote Abbé Raynal in 1781, "With what grandeur, with what enthusiasm, should I not speak of those generous men who erected that grand edifice by their patience, their wisdom, and their courage!"

Said he, "Hancock, Franklin, the two Adamases, were the greatest actors in that affecting scene, but they were not the *only* ones: *posterity shall know them all*. Under the bust of one of them has been written, 'He wrested thunder from heaven, and the sceptre from tyrants.' Of the last words of this eulogy shall all of them partake." Of that Union, said Patrick Henry, "British oppression has effaced the boundaries of the colonies."

In after years, exclaimed Mirabeau, on the Tribune of the National Assembly of France, "I ask if the powers who have formed alliances with the States *have dared* to read that manifesto, and to interrogate their consciences after the perusal?"

"I ask whether there be at this day one government in Europe, the Helvetic and Batavian confederations and the British isles excepted, which, judged after the principles of the Declaration of Congress on 4th July, 1776, is not *divested* of its rights?"

Alluding to the same great scene, "Verily," said Napoleon, "the finger of God was there."

All constitutions representing popular sovereignty have in their nature been protests against pre-existing forms, and generally the dictate of State necessity. The compact of the forty-one signers on board "The Mayflower" in the harbor of Cape Cod was formed because they were located without the bounds of their patent. Thus also this constitution originated in the necessities of the condition of the colonists.

In the first confederation of the colonies of New England, each colony exercised exclusive jurisdiction within its own territory; but no two colonies were to join in jurisdiction without the consent of all; and it required unanimous consent to admit any other colony into the confederacy.

As early as 1754 a congress was held by commissioners from Massachusetts, New Hampshire, Rhode Island, Connecticut, Pennsylvania, and Maryland, upon the subject of defence in the war pending with France.

Many of the principles subsequently embodied in the Constitution of Massachusetts there found expression. They rejected all proposals for a division of the colonies into separate confederacies, resolved upon a union of the colonies, and proposed a plan of federal government with delegates to be chosen by the provincial assemblies, and a president-general to be appointed by the Crown. That confederacy was to embrace all the then existing colonies from New Hampshire to Georgia. But no such continental union was ever formed. No provincial assembly countenanced or sanctioned so dangerous an innovation. Venturesome as the scheme was, it was too much in advance of the times to warrant its adoption. Dr. Franklin subsequently declared such union of the colonies impossible unless compelled by the agency of tyrannical force.

The Bill of Rights prefixed to the articles of the Constitution of Massachusetts was not without precedent in the civil history of the colony. The British Parliament in

its Bill of Rights had only enunciated the concessions to liberty, which, in the lapse of centuries, had been acquired from their kings. The omission of any Bill of Rights in the draft of the constitution submitted to the people in 1778 sufficiently justifies and explains its entire and decisive rejection by the overwhelming vote of the people of Massachusetts. In a congress of delegates from nine colonies assembled at the instance of Massachusetts, fifteen years prior to the adoption of her constitution, a bill of rights had been devised and concerted, wherein the sole power of taxation was declared to be reposed in their own colonial legislatures. That self-assertion of the absolute authority of colonial legislation, in defiance of the supremacy of Parliament, illumined the pathway to the Continental Congress of '74 in its assertion of the inalienable rights of British freemen. In the spirit of those resolves the Union was formed.

It was a foregone conclusion that, in like manner as the communion of the colonies had been one of the necessities of war, so also, in the wreck of the confederation, unless the boundaries of these separate States were to be marked like the chain of Roman fortresses and castles along the Rhine, a union under some federal government would be one of the emergencies of peace.

There can be no holier hour of civil commemoration in the cycle of the centuries than that which witnessed the hand of John Hancock, the first signer of the Declaration of Independence of the United States of America, uplifted as her first governor in the oath to bear true faith and allegiance to the Commonwealth of Massachusetts. The friends of human rights and constitutional liberty in all coming time will not withhold from the State of Virginia their meed of gratitude for the wisdom and patriotism which so inseparably and so early conjoined the muni-ments of free institutions in her Bill of Rights; and while we recall with saddening recollections the more recent scenes of civil strife, when the armies of Virginia were arrayed upon her own soil in bloody conflict against the

re-establishment of that Union which she had done so much to form, and the re-assertion of that Bill of Rights which she had given to the world; — yet when beyond these passing clouds there shall break the light of a serener vision, and time shall tinge with more benignant hues the widening vistas of an unsevered past, — in the memories of Appomattox we may forgive, — the name of the gallant leader of Virginia's hosts we may perchance forget, — and though no arch of triumph shall ever rise, no molten column transmit the record of battles fought or victories won, the torch of constitutional liberty just lighted for the guidance of the nations on the shore of a century shall pass undimmed from hand to hand, in a union unbroken from State to State, — and when the last days of this centennial era shall all be numbered, the drums that beat at Bunker Hill will beat again at Yorktown.

One of the most emphatic predictions prophetic of the establishment of a regular *American Constitution* occurred twelve years before the adoption of the Constitution of Massachusetts, and seven years before the scenes at Lexington.

“Courage, Americans!” cried Livingston, one of the famed New York triumvirate of Presbyterian lawyers, “Courage, Americans! liberty, religion, and the sciences are upon the wing to these shores. The finger of God points out a mighty empire to your sons. The savages of the wilderness were never expelled to make room for idolaters and slaves. The land we possess is the gift of Heaven to our fathers, and Divine Providence seems to have decreed it to our latest posterity. So legible is this munificent and celestial deed in past events, that we need not be discouraged by the bickerings between us and our parent country. The angry cloud will soon be dispersed, and America advance to felicity and glory with redoubled activity and vigor. The day dawns in which the foundation of this mighty empire is to be laid, by the *establishment* of a regular *American Constitution*.”

“All that has hitherto been done seems to be little beside the collection of materials for this glorious fabric.

"'Tis time to *put them together*. The transfer of the European part of the family is so vast, and our growth so swift, that, before seven years roll over our heads, the first stone must be laid."

When, from the time of that prediction, those seven years were ended, there broke upon the ear the volley at Lexington.

It is around shrines like these that the sons of Massachusetts, in the oft-recurring anniversaries of our eventful annals, will love to linger: —

"Shrines to no creed or code confined,
The Delphian vales, the Palestines,
The Meccas of the mind."

AFTER the reading of the papers, on motion of the Hon. G. Washington Warren, the thanks of the Society were presented to Messrs. Wheildon, Amory, and Safford, for their able, learned, and instructive papers, and it was voted that copies of the papers be requested, and that their publication be referred, as usual, to the Board of Directors.

Colonel William M. Olin, the private secretary of his Excellency Governor Long who had expected to be present, was here announced, who presented a note to President Wilder, which he read as follows: —

"The Governor sends his greetings to this Society by his private secretary, and regrets that a lengthened executive session prevents his being at the Society's meeting to-day. He hoped to be able to come, but has found it impossible."

Mr. David Pulsifer asked leave, which was granted, and read extracts from the Massachusetts Records, giving the names of the old Council, present Oct. 11, 1780, a form of summons to the new senators, with the proceedings Oct. 23, 24, and 25, and the record of the announcement,

that John Hancock, Esq., was elected Governor of Massachusetts, the ceremonies of administering to him the oath of office, and the official announcement of his appointment by the Secretary of State, and likewise by the Sheriff of the County of Suffolk, who proclaimed his election from the balcony of the Old State House. The extracts are as follows:—

FROM THE COUNCIL RECORDS.

WEDNESDAY, October 11th, 1780.

Present in Council.

Hon. Jeremiah Powell	hon ^l Timo Danielson	hon ^l John Pitts
Thomas Cushing	Nathan Cushing	Aaron Wood
Samuel Holten	Josiah Stone	Joseph Dorr
Benj ^a White	Abraham Fuller	Will ^m Whiting
Benj ^a Austin	Samuel Niles	

FORM OF SUMMONS TO SENATORS CHOSEN ACCORDING TO THE NEW CONSTITUTION.

To _____

You being chosen a Senator for this Commonwealth, are hereby in the name of the Government & People of the Massachusetts Bay in New England, summoned to attend and assist at a General Court to be begun and holden at the State House in Boston on Wednesday the twenty-fifth of the present October, at nine of the clock A.M. under the New Constitution of Government for the said Commonwealth; fail not of attendance, that there may be a due convention of Senators on the said day.

Given pursuant to the said New Constitution of Government at the Council Chamber in Boston the eleventh of October A^o Dⁱ 1780, and in the fifth year of the Independence of the United States.

President of Council.

MONDAY, October 23d, 1780.

Ordered that Capt. Moses M^cFarland be and hereby is directed to cause thirteen guns at the fort on fort hill to be fired on Wednesday the 25th instant being election day.

By the major part of the Council of the State of Massachusetts Bay.

A Proclamation for dissolving the Great and General Court or Assembly.

Whereas the Great and General Court or Assembly of the State of Massachusetts Bay stands prorogued to Tuesday the twenty-fourth day of October instant, One thousand seven hundred and eighty, at 10 o'Clock in the forenoon, but as there will be a meeting of the General Court on Wednesday the 25th instant under the new form of Government;

Therefore We have thought fit to dissolve the Great and General Court or Assembly, and the same is accordingly dissolved; whereof all the members of the said Court, and all others concerned are requested to take notice, and govern themselves accordingly.

Given at the Council Chamber in Boston this twenty-third day of October A^o Dⁱ 1780; and in the fifth year of the Independence of the United of America.

TUESDAY, October 24th, 1804. [1780].

Ordered that Captain John Ingersol commander of the fort at Fort hill, be and hereby is directed to fire thirteen guns at said fort on the morrow being election day, the order to Captain M^cFarland to the contrary notwithstanding, the same being reconsidered by this Board.

Ordered that Colonel William Burbeck be and hereby is directed to deliver Captain John Ingersol fourteen twenty-four pound cartridges and three twelve pound cartridges with wads port fire and matchrope.

WEDNESDAY, October 25th, 1780.

The President and five of the Council under the Old Constitution went down to the House of Representatives to administer the several oaths to the members of the General Court, as prescribed by the new form of Government.

FROM THE SENATE RECORDS.

At a General Court of Massachusetts began & held at Boston upon Wednesday the Twenty-fifth day of October, One Thousand Seven hundred & Eighty being the first setting of the General Court of the COMMONWEALTH of MASSACHUSETTS.

WEDNESDAY, October 25, 1780.

Present in Senate

Hon^{ble} Walter Spooner
 Tho^s Cushing
 Sam^l Holten
 Jabez Fisher
 Josiah Stone
 Abraham Fuller
 Sam^l Niles
 Azor Orne
 Sam^l Osgood

Hon^{ble} Sam^l Baker
 John Pitts
 Tho^s Durfee
 Joseph Dorr
 Stephen Choate
 Nath^l Gorham
 Ephraim Starkweather
 Seth Washburne
 Increase Sumner
 Solomon Freeman

Hon^{ble} Walter Spooner, Tho^s Cushing, Sam^l Holten, Jabez Fisher, Josiah Stone, Abr^m Fuller, Sam^l Niles, Samuel Baker, John Pitts, Tho^s Durfee, Joseph Dorr, Stephen Choate, Nath^l Gorham, Eph^m Starkweather, Seth Washburne, Increase Sumner, Sam^l Osgood, Azor Orne, & Sol^o Freeman, Esquires, this day took the several Oaths prescribed by the New Constitution to qualify them as Senators, the same being administered to them by the President and five of the old Council, agreeable to said Constitution and took their Seats Accordingly.

Ordered, That Samuel Niles and Increase Sumner Esq^r be a Committee with such as the Hon^{ble} House shall join to consider on what manner the Choice of the Hon^{ble} John Hancock Esq^r in case of his Acceptance of the Trust, shall be published & declared.

Sent down for Concurrence. Came up concurred, and Gen^l Titcomb Col^o Glover and M^r Barrett are joined.

COMMONWEALTH OF MASSACHUSETTS

In Conformity to the Constitution of the Commonwealth of Massachusetts, The Senate and House of Representatives having Examined the returns from the several Towns within said Commonwealth respecting the Choice of a Governor and having found that the *Hon^{ble}* JOHN HANCOCK Esq^r had a Majority of Votes for Governor we do now publicly declare His Excellency JOHN HANCOCK Esq^r to be GOVERNOR OF THIS COMMONWEALTH and all Officers Civil and Military are to take notice thereof and Govern themselves accordingly.

God save the Commonwealth of Massachusetts.

COMMONWEALTH OF MASSACHUSETTS

In Senate.

Ordered, That the foregoing Declaration be publicly announced from the Balcony of the State House by the Secretary and repeated by the Sheriff of the County of Suffolk.

Nath^l Gorham Esq^r went down with a Message to the *Hon^{ble}* House to Inform them that the *Hon^{ble}* John Hancock Esq^r was in the Council Chamber, having Accepted of the Office of Governor of the Commonwealth of Massachusetts and was ready to take the Oaths prescribed by the Constitution, and to desire the Attendance of the House in the Council Chamber to hear him take said Oaths required and to see him Subscribe the same.

The *Hon^{ble}* House attended Accordingly and the Oaths were Administered by the *Hon^{ble}* Thomas Cushing Esq^r President of the Senate, after which the Secretary made the Declaration of the Appointment of the *Hon^{ble}* John Hancock, Esquire, as Governor of the Commonwealth of Massachusetts, agreeable to the Order of both Houses repeated by the Sheriff of the County of Suffolk from the Balcony of the State House.

John Lowell Esq^r came up with a Message from the *Hon^{ble}* House to acquaint the *Hon^{ble}* Council and Senate and His Excellency John Hancock Esq^r that they were ready to attend Divine Service and they attended Accordingly.

Commonwealth of Massachusetts.



BY HIS EXCELLENCY JOHN D. LONG,
Governor of the Commonwealth.

A PROCLAMATION.

WHEREAS, upon the adoption of the Constitution of the Commonwealth of Massachusetts, the first General Court assembled on the twenty-fifth day of October, A. D. 1780, and the government was organized:

Now, therefore, in honor thereof, I call attention to the anniversary which is near at hand. It will mark the end of a hundred years of free popular government. During that period there has been a vast expansion of the Commonwealth in population, education, wealth, and material activity, but its Constitution remains substantially the same, — a monument to the foresight and wisdom of the men who made and adopted it. It has been a period lustrous with the names of great and good men and women, who, in church and state and school, in war and peace, in letters, art, and science, and in every department of usefulness and humanity, have added to the renown of Massachusetts and to the welfare and inspiration of her people. It has been a hundred years of law and order, of enlarging freedom, of riches accumulating in the hands of labor, of increasing education, and of a Christian charity at home and abroad that has reached out its help to the whole world, whether it welcomed the stranger within its gates or sent its missionaries to the utmost parts of the earth. While it has handed down its perils, and suggests the continued need of eternal vigilance of every moral and religious safeguard, and of an unflinching fight against the sources of temptation, vice, and crime, it has yet vindicated the stability and safety of a government of the people founded on the principles of piety, education, and equality.

I trust, therefore, that Monday, the twenty-fifth day of October current, will not pass altogether without observation of the events it commemorates; that our clergymen and teachers will call attention to them; that flags will be hung out, and that a grateful people will thank God for the beneficent constitution, the wise laws, the religious, civil, and social blessings under which they live in a Commonwealth than which there is none more favored in all the world.

Given at the Executive Chamber this eighteenth day of October, in the year of our Lord one thousand eight hundred and eighty.

JOHN D. LONG.

By his Excellency the Governor.

HENRY B. PEIRCE,

Secretary of the Commonwealth.

God save the Commonwealth of Massachusetts.

PROCEEDINGS

BY THE GOVERNOR AND COUNCIL OF THE COMMONWEALTH OF MASSACHUSETTS.

THE national flags were displayed upon the State House during the day. At two o'clock in the afternoon a large number of gentlemen assembled in the Executive Chambers by invitation of the governor. Among those invited, most of whom were present, were the following:—

His Honor Lieut.-Gov. Byron Weston and Hon. Frederick O. Prince, Mayor of Boston. Hon. Messrs. Brayton, of Fall River; Taylor, of Boston; Heywood, of Concord; Wallace, of Fitchburg; Carter, of Cambridge; Raymond, of Salem; Edwards, of Northampton; and Spaulding, of Boston, of the Executive Council. Hon. Messrs. Henry B. Peirce, Secretary of State; Charles Endicott, Treasurer; Charles R. Ladd, Auditor; George Marston, Attorney-General; Ex-Governors Claflin, Gaston, and Talbot. [Ex-Governors Boutwell, Banks, Bullock, Washburne, and Rice were unable to be present.] Hon. Messrs. Horace Gray, James D. Colt, Seth Ames, Marcus Morton, William C. Endicott, Otis P. Lord, and Aug. L. Soule, of the Supreme Judicial Court. Hon. Messrs. Lincoln F. Brigham, Julius Rockwell, John P. Putnam, Francis H. Dewey, Ezra Wilkinson, Robert C. Pitman, John W. Bacon, William Allen, P. Emory Aldrich, Waldo Colburn, and William S. Gardner, of the Superior Court. Hon. Thomas Russell, of the Board of Railroad Commissioners; Albert Mason, of the Harbor and Land Commissioners; Julius L. Clarke, of the Insurance Commissioners; and Mrs. Ellen C. Johnson, of the

NOTE. — The proceedings at the State House, as well as those at the City Hall, are here introduced as matters of historical interest.

Prison Commissioners; Hon. Carroll D. Wright, of the Census Bureau. Major-Gen. Berry, Adjutant-General; Brigadier-Gen. Moore, 1st Brigade; Brigadier-Gen. Sutton, 2d Brigade; and Lieut.-Col. Edmands, 1st Corps of Cadets; Col. William M. Olin, Private Secretary. Hon. Messrs. Charles F. Adams, George B. Loring, President Eliot, of Harvard College, Charles J. Noyes, R. R. Bishop, Marshall P. Wilder, William W. Wheildon, Rev. Dr. Henry A. Miles of Hingham, and Dr. Samuel A. Green.

At two o'clock his Excellency Governor Long entered the Executive Chamber, accompanied by the Rev. Mark Hopkins, D.D., formerly President of Williams College, and, having called the meeting to order, spoke as follows:—

REMARKS OF GOVERNOR LONG.

I have called this meeting of the Council, and invited also the attendance of the representatives of the legislative, executive, and judicial departments, for the purpose of commemorating the adoption of the Constitution of the Commonwealth of Massachusetts, the assembling on the twenty-fifth day of October, 1780,—a hundred years ago,—of the first General Court and the organization of the government, John Hancock governor. No provision has been made by legislative action for an extended celebration, but it seemed to me that the occasion should not pass without recognition; that we should express our gratitude to the men and the spirit that founded the Commonwealth; that we should recognize our happiness and our responsibility as its citizens, and that we should emphasize afresh the foundations on which it was set a hundred years ago, and upon which it will endure for time to come.

The exercises here will therefore be the simplest, consisting of your presence and a prayer to Almighty God, to whom our fathers looked as the "Great Legislator of the Universe." To offer that prayer I have invited a venerable clergyman of the Commonwealth, who was for

many years the head of one of its colleges, and who, in his teachings, now diffused and felt throughout the Republic, and in his long life, so useful and honorable, has taught and exemplified those principles of piety, religion, and morality, of equality and education, of human freedom and dignity, which inspire and which are the constitution we commemorate, — the Rev. Dr. Mark Hopkins.

PRAYER BY THE REV. DR. HOPKINS.

Our Father and our God, we, who have assembled before thee at this time, come in the name of our blessed Lord and Saviour, beseeching thee to grant unto us the presence and aid of thy Holy Spirit, that we may be enabled to worship thee and to express before thee our thanksgivings and joy to thy acceptance, and in accordance with thy mind.

We thank thee that thou didst put it into the hearts of thy servants who represent the authorities of this State, — the governor, the lieutenant-governor, the councillors, the judges and officers of the State, — to come together to acknowledge thee, the Lord our God, as the God of nations and of States; to thank thee for all that thou hast done for us in the past, and to supplicate the continuance of those blessings which thou hast granted unto us, in the time to come. As it pleased thee in old time to bring thine ancient people out from under bondage, and to lead them through the wilderness to the land which should be to them for a possession and a land of rest, so it pleased thee to bring our fathers out from under persecution and religious thralldom into a land of liberty, civil and religious, and to lead them through the dangers of the sea, through the perils of a wilderness unknown, through want and famine and labor, of which we know in these days nothing, and to bring them into the possession of blessings unknown to former time. We remember, before thee, the days of peril, of weakness, and of trouble, and we rejoice and give thanks in view of all that thou didst do for

our fathers in the times that are passed. We thank thee that in due time they were separated from the mother country, and permitted to govern themselves; and that this Commonwealth, in connection with other associate colonies, has now become, before thee, a great nation. But we would especially, our God, give thanks before thee at this time for that constitution which was adopted a hundred years ago, and under which the people of this Commonwealth have enjoyed so many and so great blessings. We thank thee for the liberty we have enjoyed, for a constitution which has given us our governors from ourselves, and our laws from those whom we have appointed to make them; and we thank thee for our schools and our colleges, and for all the means of education and enlightenment, and especially for that religious freedom by which every man has been permitted to worship thee according to the dictates of his own conscience. Blessed be thou, O Lord God, for the wisdom that thou didst give unto our fathers in framing this constitution, and for the prudence which thou hast given to their successors in amending it, so that now it stands as the bulwark of our rights and the charter of our freedom!

And now, merciful God, we confess before thee our unworthiness of these blessings which thou hast bestowed upon us. Great and marvellous is thy goodness! And now, as thou hast granted us these blessings, and mightest rightfully take them away, we plead before thee for thy great name's sake, who hast done so much for us, and for the sake of Him through whom all our blessings come, that these great mercies and blessings may be continued to us in the time to come. To this end, merciful God, we pray for thy servant the governor of this State, and for all who are associated with him in authority, that thou wouldst bestow upon them divine wisdom and grace and favor and strength, that thou wouldst be with them in connection with every emergency and every duty, and that they may fulfil in wisdom and fidelity the great duties which devolve upon them. We pray that thou wouldst

be with them in succeeding days, and bring them, if it pleases thee, to a good old age, and to peace at the end.

And, merciful God, we pray especially before thee for this people. We cannot pray for prosperity to a wicked people; but we do pray that this people whom thou hast so highly favored, on whom thou hast bestowed privileges unknown in former generations, may be a great and understanding people. We beseech thee that they may apprehend rightly the privileges which they enjoy, that they may know how to use liberty; we pray that they may be an enlightened people; we pray that they may be a temperate people; we pray that they may be an honest people; we pray that they may be a pure people, preserving all the institutions of marriage, and all the social organizations in the method which thou hast appointed. We pray that they may be a sabbath-keeping people. We beseech thee, merciful God, that thy sabbath may be a delight to this people, the holy of the Lord, honorable. We pray thee that this people may be a people who shall be worthy to receive that which has come to them, the inheritance of the ages. Lord God, we beseech thee, that as thou hast poured upon us the riches of all time, as thou hast given us command, unknown before, over the forces of nature and over all the wealth of the past, so we may not follow the example of those who have gone before, and sink into sensuality and ignorance and inefficiency and vice; and we pray that, with thy mercies, the knowledge, the integrity, the principle, the industry, the power, of the people, may be augmented, and that they may grow up and stand before thee, a people whose God shall be the Lord. As thou hast brought us into a new world, so we pray that there may not come into this new world the incumbrances and weights which have borne down mankind in the old world. We pray that the tyrannies of the old world may not come upon it, nor its superstitions, nor its formalism, nor its unequal division of those good things which belong in common to all, nor any permanent division of ranks among men; but that here men may be respected as men;

that here all useful occupations may be honored ; that here industry, in every form, may rejoice ; that here man, as in the image of God, may be honored ; that all the institutions of society may be built up in the spirit and on the principle of the gospel of our Lord and Saviour Jesus Christ.

And, merciful God, we pray not for ourselves only, but for the whole people. We bless thee that thou didst permit us to be a united people, and we thank thee for thy favors to us in this regard, in the times past. And now we pray thee that thou wilt be with thy people in connection with the present choice of a Chief Magistrate, and that they may act wisely and truly, and that their choice may be one which thou wilt approve and bless. And we pray that this Commonwealth may be a worthy part of the commonwealth of States, and that all these commonwealths may be united in principle that should be accordant with the principle which thou hast manifested in thy kingdom, and may hold together and become a great nation, the light of all nations. And may this Union, which has been so signally preserved, be continued, and be a blessing till the end of time. And now, merciful God, we pray not for ourselves only, not for this Commonwealth only, not for this nation only, but with united hearts and united voices we would pray for all people in the words taught us by our Saviour, saying, " Our Father which art in heaven, hallowed be thy name ; thy kingdom come ; thy will be done in earth as it is in heaven. Give us this day our daily bread, forgive us our debts as we forgive our debtors, and lead us not into temptation, but deliver us from evil, for thine is the kingdom and the power and the glory forever. Amen."

AFTER the prayer, the Secretary of State pronounced the words, *God save the Commonwealth of Massachusetts*, and the exercises were closed. A salute of one hundred guns, by the State battery, was fired at the conclusion of the commemorative service.

PROCEEDINGS

OF

THE CITY OF BOSTON.

AT a regular meeting of the Board of Aldermen, on Monday, Oct. 18, 1880, Alderman O'Brien, chairman, presiding, the following communication was received from the Mayor:—

MAYOR'S OFFICE, CITY HALL, }
BOSTON, Oct. 18, 1880. }

To the Honorable the City Council.

I transmit herewith for your consideration a communication from the New England Historic Genealogical Society, relative to the proposed observance of the centennial anniversary of the adoption of the constitution and the organization of the State Government, on the 25th of October, 1780; and I respectfully suggest the propriety of placing such decorations upon the Old State House building as may seem appropriate, in commemoration of the important events in the history of Massachusetts, which took place in that building on that day.

FREDERICK O. PRINCE, *Mayor.*

SOCIETY'S HOUSE,
18 SOMERSET STREET, BOSTON, MASS., }
Oct. 14, 1880. }

To his Honor FREDERICK O. PRINCE, Mayor, and the City Council of Boston.

GENTLEMEN,—His Excellency the Governor, having signified to us his intention to observe the approaching centennial anniversary of the adoption of the constitution and the organization of the State Government, on the 25th of October, 1780, when John Hancock was inaugurated as Governor of the Commonwealth of Massachusetts in the Old State House, now the property of the city of Boston, we ask leave to suggest the propriety of designating that building as may be thought proper on the same occasion. Within its walls, in the year 1774, Gen. Gage read his commission as governor of the colony and

commander-in-chief of his Majesty's forces in America, and six years thereafter John Hancock, who, as commander of the "Governor's Independent Company of Cadets," had escorted him to the State House, and was soon thereafter dismissed from office, occupied the same hall for the delivery of his inaugural address as Governor of an Independent Commonwealth. Hoping that his Excellency the Governor may have an opportunity to visit this venerable building wherein one hundred years ago the first State Government was organized, we remain, very respectfully yours, &c.,

WM. W. WHEILDON,

In behalf of the Committee of the N. E. His. Gen. Society.

Referred to Joint Committee on Public Buildings, with full power.

The Old State House was handsomely decorated with flags, having the Arms of the State and the Pine-Tree flag over the balcony. On the west end of the edifice, on Washington Street, was the inscription:—

IN THIS BUILDING, ON THE 25TH OF OCTOBER, 1780,
WAS ORGANIZED THE FIRST FREE AND INDEPENDENT
GOVERNMENT OF THE PEOPLE.

At the east end of the building, on State Street, was the following:—

1780.

ADOPTION OF THE STATE CONSTITUTION.

JOHN HANCOCK, GOVERNOR.

APPENDIX.

HISTORICAL SKETCH,

1630-1780.

BY WILLIAM W. WHEILDON.

It is a little remarkable at this period, when centennials are so much thought of and so frequently celebrated, that the completion of the first century since the adoption of the Constitution of the State should not even have been mentioned during the year, up to the present time. In 1780 the Constitution of the Commonwealth of Massachusetts was made by a general convention, and adopted by the people. The government of the colony had been continued, as far as practicable, in conformity with the charter of 1692, without a governor or deputy governor, after Gov. Gage and Gen. Howe had left the colony. The great event we have mentioned, it will be seen, was reached in the period of one hundred and fifty years from the settlement of the colony, and one hundred years ago on the 25th of the present month; and that day will be the centennial anniversary of the adoption of the State Constitution and the organization of the State Government, with John Hancock as its first governor.

FOUNDING OF THE STATE.

The settlement and naming of Boston, together with Dorchester and Watertown, on the arrival of Gov. Winthrop, with the charter, on the 17th of September, 1630,

NOTE. — This paper was published on the 3d of October to call attention to the Centennial, and as it contains a statement of many important historical facts, it is here reproduced as a valuable *addendum* to the Society's proceedings.

may very properly be assumed as the founding of the State, notwithstanding the prior arrival of some of the party at Salem and Charlestown. Here, in Boston, it was at once understood, a permanent settlement was to be made, and the very naming of the town was a confirmation of the act. "It is ordered that Tri-mountain shall be called Boston; Mattapan, Dorchester; and the town upon Charles River, Watertown." This was the act of the court of assistants, on the 7th (17th) of September.

The great celebration of the two hundred and fiftieth anniversary of the settlement of Boston, was, therefore, equally that of the founding of the State, which has gradually grown up to the present Commonwealth from the settlement of the Puritans rather than that of the Pilgrims.

FIRST CHARTER.

The first government of the settlement was under the charter granted by King Charles to Sir Henry Rosewell and five others in the eighteenth year of his reign, 1628-29. It was through the influence of the Puritans, and, as it is now understood, at the instance of Rev. Mr. White, that this charter was obtained by his friends of Dorchester, where he lived and preached, when allowed to do so. Through his influence the patentees became acquainted with several leading men among the dissenters in and near London, and an association was formed, whereby three of the original patentees (Rosewell, Young, and Southcote) sold their interest in the patent to five other associates, who became its proprietors, in connection with the remaining original patentees. John Endicott was one of the six original patentees named in the charter; and he, together with Isaac Johnson, Mathew Cradock, Thomas Goffe, and Michael Saltonstall (the five associates named), are named in the confirmatory charter of March 4 (15), 1628, and these controlled the charter in the interest of the Puritans. Under this charter the Puritan government was conducted for more than half a century.

This charter was annulled by the court of chancery in England, 18th of June, 1684, and a copy of the judgment was received at Boston, 2d of July, 1685. The king thereupon assumed the right to appoint the governor, and temporarily gave a commission to Joseph Dudley to act as president, not only of Massachusetts Bay, but also of New Hampshire, Maine, and the Narragansett country, or king's province. William Stoughton was deputy president. These commissions were received at Boston by the "Rose" frigate, May 15, 1686. The council consisted of fifteen members.

GOV. ANDROS.

On the 19th of December, 1686, Sir Edmund Andros arrived with a commission as governor, which embraced the whole of New England, and by this Massachusetts and Plymouth became united under one government. In 1688, the authority of Andros, as governor, was extended over New York. Andros was well received at first, but soon lost the respect and confidence of the people over whom he reigned. The office of "sheriff" was created under him, probably as a means of serving his own purposes and facilitating his own ends; and he changed the form of administering oaths, previously required "by the book," and now by holding up of hands; and some of his council were allowed to make affirmation under the penalties of perjury. Under his government the people were relieved of any share in it, and both judges and juries were pretty much under his control or within his reach. In a very remarkable case, that of Rev. Mr. Wise, of Ipswich, who complained of his arrest and the refusal of a writ of *habeas corpus*, Andros replied to him: "Mr. Wise, you have no more privileges left you than not to be sold as slaves." The people thought, and had good reason to think, this was so, and even the last privilege might be taken from them; so they at once took the matter into their own hands.

THE ANDROS REVOLUTION.

The next year, the people becoming incensed against the autocratic governor, the Andros revolution occurred on the 19th of April, 1689. When the *furor* of the people was manifested, Andros fled into the fort on Fort Hill, and was taken from thence to the house of Mr. Usher, where he was placed under guard until the people demanded his imprisonment. In August, he contrived to escape, and got as far as Newport, where he was arrested, and returned to prison in Boston. In February, 1690, he was sent to England, by order of the king, and from that time ceased to have any connection with New England. As an excuse for the conduct of Andros, it is said he was "the viceroy of a contemptible tyrant." The revolution was begun and completed in a few hours' time, and wholly without bloodshed.

"Upon the breaking out of the revolution and the imprisonment of their rulers, the people were, in fact, without law and without government. But the habits of good order, the necessity of immediate action, and their cherished attachment to their former charter, led at once to the adoption of measures to continue the institutions of government, and to restrain any outbreak of the multitude." Mr. Bradford was chosen president of the council, and on the 2d of May they recommended to the towns the election of deputies, to meet on the 9th of May. The government was finally settled in form, agreeably to the charter, on the 24th of May, 1689, and on the 5th of June, a new House of Representatives assembled in Boston. "The charter magistrates were re-elected, and the administration of political affairs went on in the colony as it had done before the revocation of the charter."

THE SECOND CHARTER.

The government was carried on under Gov. Bradstreet, then at the age of eighty-seven years, until the arrival of Gov. Phips with the new charter, called the second char-

ter, on the 14th of May, 1692. He was followed by Stoughton, as acting governor in 1694, then the Earl of Bellamont, for one year, then Stoughton as governor in fact; then we have the council, and so on through a succession of governors and the council, until 1760, when Bernard comes to the chair, and under his administration, extending to 1769, the revolutionary troubles began. Hutchinson follows, the difficulties increase, for, after the Stamp Act in 1765 comes the Boston massacre, destruction of the tea, and Gen. Gage in May, 1774, when it may be said the revolutionary war commenced, and led to the organization of a Provincial Congress for the government of the colony, Gage having discarded the last General Assembly, at Salem, in October, 1774.

THE PROVINCIAL CONGRESS.

After the dissolution at Salem, a Provincial Congress, agreeably to the action of the several county conventions and the votes of the people at the polls, assembled at Concord, to the number of about two hundred and eighty members, on the 11th day of October, 1774. The Provincial Congress, together with its Committee of Safety, continued to direct the affairs of the colony, while there was neither governor, deputy-governor, council, nor general court, until July 19, 1775, when a new assembly was chosen, and the government carried on as far as practicable according to the second charter.

TEMPORARY CIVIL GOVERNMENT, 1775 TO 1780.

More than a year prior to the Declaration of Independence, and a month before the battle of Bunker Hill, the Provincial Congress of Massachusetts had before it the subject of the establishment of a civil government.

On the 8th day of May, 1775, less than a month after the expedition of Gen. Gage to Concord, the matter, which was to be considered on Tuesday, the 9th, was postponed until Friday, the 12th, and on that day the House resolved itself into a committee of the whole "for

consideration of the question in debate." At the close of the debate the president resumed the chair, when "Hon. Joseph Warren, their chairman, reported that a committee be raised for the purpose of reporting to the Congress an application to the Continental Congress for obtaining their recommendation for this colony to take up and exercise civil government as soon as may be, and that the committee be directed to ground their application on the necessity of the case; which report, being read, was accepted by a very large majority, whereupon it was Ordered, that the president, Dr. Church, Mr. Gerry, Col. Warren, Mr. Sullivan, Col. Danielson, and Col. Lincoln, be a committee to prepare an application agreeably to said report."

APPLICATION TO THE CONTINENTAL CONGRESS.

On the 15th of May, a resolve was passed that Dr. Church proceed immediately to Philadelphia, and deliver to the President of the Continental Congress the letter which had been prepared, and also to confer with the said Congress respecting the defence of the colony, and other matters. The letter was dated on the 16th, and rehearses the condition of affairs in the colony, and concludes as follows:—

"We are happy in having an opportunity of laying our distressed state before the representative body of the continent, and humbly hope you will favor us with your most explicit advice respecting the taking up and exercising the powers of civil government, which we think absolutely necessary for the salvation of our country; and we shall readily submit to such a general plan as you may direct, for the colonies, or make it our great study to establish such a form of government here as shall not only most promote our advantage, but the union and interest of all America."

The concluding paragraph suggests the propriety of Congress taking the regulation and general direction of the army now collecting from different colonies for the general defence of the rights of America.

On the 2d of June, the President (John Hancock) laid

the letter before Congress, and Dr. Church was introduced; and on the next day a committee of five persons was chosen by ballot, and the matter referred to them. The committee were J. Rutledge of South Carolina, Johnson of Maryland, Jay of New York, Willson of Pennsylvania, and Lee of Virginia.

REPORT OF THE COMMITTEE.

On the 7th of June, ten days before the battle of Bunker Hill, this committee reported, and thereupon, on the 9th, the Congress "resolved that no obedience was due to an act of parliament altering the charter, nor to a governor or lieutenant who would not observe it, and, therefore, that these officers were to be considered as absent, and their offices vacant. And further, as there was no council, and Gen. Gage was carrying on war against his Majesty's peaceable and loyal subjects, that, in order to conform, as near as may be, to the spirit and substance of the charter, it be recommended to the provincial convention to write letters to the inhabitants of the several places, which are entitled to representation in assembly, requesting them to choose such representatives, and that the assembly, when chosen, do elect councillors, and that such assembly or council exercise the powers of government until a governor, of his Majesty's appointment, will consent to govern the colony according to its charter."

ELECTION OF REPRESENTATIVES.

In obedience to this recommendation of the Continental Congress, a letter was immediately prepared, June 19, 1775, calling upon the local authorities of the towns in the colony to elect representatives to the General Court or Assembly, to serve for and represent them until the day next preceding the last Wednesday in May next, if necessary, to assemble at the meeting-house in Watertown, upon Wednesday, the nineteenth day of July ensuing. Thus, so promptly did the Provincial Congress act in the matter, that, in less than ten days after the resolve passed

the Continental Congress, the order for the election of representatives, to meet in one month, was sent to the towns, and elections accordingly held at such times as the town authorities directed. It may not be generally known that at this time the Boston town meeting, for the election of representatives, was held at Concord, Boston being in possession of the British army.

Thus was established a temporary civil government, more nearly in conformity with the charter of the colony than a Provincial Congress, although chosen by the people in the same manner, but differing mainly in the restoration of the Council, which exercised the powers of governor and deputy governor, while the officers of the Crown were regarded as absent. This government continued until 1780,—just one hundred years ago the present month.

THE STATE CONSTITUTION.

At a meeting of the General Court, in June, 1777, nearly a year after the Declaration of Independence (which was publicly celebrated in Boston the next month, by order of the Legislature), the House of Representatives and Council formed themselves into a convention for the purpose of preparing a constitution, or frame of civil government for the State, the former General Court having advised the people to elect representatives with this object in view. It is to be noted that, though most of the representatives were elected with this view, Boston and other towns were opposed to it, and thought a convention ought to be called composed of delegates for the express purpose of preparing a form of civil government.

In December, 1777, however, the committee reported the instrument which had been prepared by them, under the instructions of the legislative convention, but it was not considered by the General Court until February, 1778. In March it was approved, and ordered to be submitted to the people, two-thirds of the votes of the people being required for its adoption, all free males of the age of twenty-one years being allowed to vote. For some reason, per-

haps that already suggested and propagated in Boston, viz., that a special delegate convention should be called for the purpose, the constitution was not adopted, there being (as stated, probably, in a general way) ten thousand votes against it, and only two thousand in its favor, one hundred and twenty towns making no returns. The citizens of Boston voted unanimously against it. There appears to have been some serious objections to the instrument itself.

CONVENTION PROPOSED.

After this experience and its result, the General Court of 1779 again proposed to the people to form a constitution of civil government. And now it was proposed that they should vote directly upon the question, the votes to be returned to the court in June, and, if a majority of them proved to be in favor of the measure, then precepts were to issue for the choice of delegates in September following. The result was favorable to the proposition, although about one-third of the towns of the State, as it is called, or province, did not vote, or did not send in any returns.

However, on the 17th of June, 1779, precepts were accordingly issued to all the towns for the election of delegates, to assemble at Cambridge, on the 1st of September. The members chosen assembled accordingly at the time and place appointed, and organized by the choice of Hon. James Bowdoin as president, and Samuel Barrett, secretary. Continuing in session until the 11th of November, the convention then adjourned to meet at the representatives' chamber, in Boston (at the old State House), on the 5th of January, 1780. The session continued until the 2d of March, when the form of a constitution was agreed upon, and a resolve passed for its submission to the people; and the convention again adjourned to meet at the Brattle Square Church, in Boston, on the 7th of June, one year, less ten days, after the precepts were issued for the election of its members.

CONSTITUTION ADOPTED.

At that time and place the convention again met, and appointed a committee to examine the returns of votes from the several towns, when it appeared that more than two-thirds of the votes were found to be in favor of the constitution; and it was "resolved that the people of the State of Massachusetts Bay have accepted the constitution as it stands in the printed form submitted to their revision." In Boston, however, some suggestions were made in favor of an alteration in the 3d article of the Bill of Rights, which provides for religious instruction, "because" (it seems almost strange to say, in view of the early history of the Puritan reign, as we may call it, in the town) "they wished for perfect toleration, and for no degree of compulsion in religious sentiments or worship." Nevertheless, they accepted the instrument as it was, as it provided that "no one should be molested on account of his religious opinions, and that no denomination of Christians should have any exclusive or peculiar privileges."

Notice was officially given to the General Court of the acceptance of the constitution by the people, and that the convention, as authorized by the people in their returns of votes, be fixed upon the last Wednesday of October, for the organization of the government, agreeably to its provisions. The election of governor, lieutenant-governor, and senators, took place on the 1st of September, and the representatives were chosen in October, ten days previously to the last Wednesday of the month, when, on the 25th of October, 1780, the General Court met at the State House, and organized the State Government under the constitution. John Hancock was elected governor, but no person was elected lieutenant-governor by the votes of the people. Thereupon the General Court elected James Bowdoin to that office. He declined the office, and James Warren was then chosen. He also declined, and finally Thomas Cushing was chosen, and accepted the office. Jeremiah Powell was elected president of the Senate, and

Caleb Davis speaker of the House of Representatives. The councillors were Samuel Holton, Azore Orne, James Prescott, Thomas Danielson, Nathan Cushing, Walter Spooner, Benjamin Chadbourne, and Moses Gill; John Avery, jun., secretary of the Commonwealth. The governor made his inaugural speech a few days after the organization.

CONCLUSION.

The first charter of the colony, dated in 1628, was brought over in 1630, and, until the arrival of the second charter, including the presidency of Dudley, &c., continued in force for sixty-two years. The second charter went into operation in 1692, and continued in force, and was practically followed after the Provincial Congress, until 1780, — a period of eighty-eight years, making one hundred and fifty years from the first settlement, — when the Constitution of Massachusetts was adopted, and the State Government organized on the 25th of October, 1780; so that the ensuing 25th of October will be the centennial anniversary of the organization of the first government of the Commonwealth of Massachusetts.



This book should be returned to
the Library on or before the last date
stamped below.

A fine is incurred by retaining it
beyond the specified time.

Please return promptly.

~~OCT 24 '58 H~~

~~APR 2 '63 H~~

2725099

Canceled

FEB 2 '70 H

US 12827.80.19
Proceedings on the twenty-fifth day
Widener Library 006167927



3 2044 086 355 575